

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

TONY SHANE PETERS §

VS. § CIVIL ACTION NO. 1:10cv129

DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION REGARDING VENUE

Petitioner Tony Shane Peters, an inmate confined in the Polunsky Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

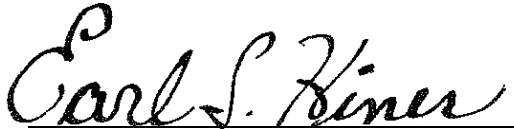
Petitioner states he was previously convicted of a criminal offense in Harris County, Texas.

Petitioner filed this petition for writ of habeas corpus in the district where he is incarcerated. Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the district in which he was convicted or the district in which he is incarcerated. Accordingly, this court has jurisdiction over the petition.

However, while Polunsky Unit is located within the Eastern District of Texas, it is in the Lufkin Division, rather than the Beaumont Division. As a result, this case should be transferred to

the Lufkin Division of this court. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

SIGNED this 1 day of April, 2010.

A handwritten signature in cursive script, reading "Earl S. Hines", written over a horizontal line.

EARL S. HINES
UNITED STATES MAGISTRATE JUDGE